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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,197	12/15/2000	Kiyoshi Fukui	31581-168320	8448
26694	7590	09/28/2004		
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998				
			EXAMINER ALAVI, AMIR	
			ART UNIT 2621	PAPER NUMBER
DATE MAILED: 09/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,197

Applicant(s)

FUKUI ET AL.

Examiner

Amir Alavi

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

- Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

- Claim 7, line 8 is objected to because of the following informalities:
wherein, "kacks", please change to read, "lacks".
- Appropriate correction is required.
- The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (USPN 4,656,645).

Regarding claim 1, Kaneko discloses: transmission mode selecting means for selecting a first transmission mode or a second transmission mode in accordance with information indicating a kind of input data (Please note, figure 2, element 4, that is, the branching circuit, herein this circuit branches out the input information to switching circuits 7 and 8, wherein they will be routed to transmitters 11, 12 and 13, thus, having a transmission selection); data compressing means for compressing said input data and transmitting it to a data output terminal (Please note, figure 2, element 3, a data compression circuit); and switching means for allowing said

input data to be transmitted to said data output terminal in accordance with said first transmission mode and allowing said input data to be transmitted to said data compressing means in accordance with said second transmission mode (Please note, column 11, lines 45-50. As indicated a switching means is responsive to the status of the first and second transmission channels to effect a switchover between a first transmission mode for transmission of the output of the band compression means and a second transmission mode for transmission of the outputs of the converter means).

Regarding claim 2, Kaneko discloses, wherein the information indicating the kind of said input data is directly supplied as data independent of said input data to said transmission mode selecting means (Please note, column 4, lines 53-65, herein, Examiner considers this command signal, "fs3" to correspond to Applicant's information signal).

Regarding claim 3, Kaneko discloses, wherein the information indicating the kind of said input data is additional information of said input data (Please note, column 4, lines 53-65, herein, Examiner considers this command signal, "fs3" to correspond to Applicant's information signal, it's clear that this signal is distinctive from the input information).

Regarding claims 4,5 and 6, Kaneko discloses, wherein the information indicating the kind of said input data includes information indicating whether said input data is compression data or not (Please note, figure 2, switching circuits 7 and 8, containing the information, that is, the command signal, "fs3", these switching

circuits upon respective transmission modes switch to compression or conversion), and said transmission mode selecting means selects said first transmission mode when said input data is the compression data and selects said second transmission mode when said input data is not the compression data (Please note, column 11, lines 45-50. As indicated a switching means is responsive to the status of the first and second transmission channels to effect a switchover between a first transmission mode for transmission of the output of the band compression means and a second transmission mode for transmission of the outputs of the converter means).

Allowable Subject Matter

- Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- Claim 7 would be allowable if rewritten to overcome the objection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: None of the prior art disclose or fairly suggest, wherein the information indicating the kind of said input data includes information indicating whether or not said input data is compression data and information indicating whether or not said input data is data having error resilience, and said transmission mode selecting means selects said first transmission mode when said input data is one of data that is compressed and has error resilience, data that is compressed and lacks error resilience and data that is uncompressed and has error resilience, and selects said second transmission mode when said input data is data that is uncompressed and lacks error resilience.

Other prior art cited

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akagiri (USPN 5,128,963) is pertinent as teaching 3-mode PCM/DPCM/APCM maximizing dynamic range.

Clark (USPN 5,177,480) is pertinent as teaching data communication having transmitter-controlled mode switching from compressed to transparent mode.

Yamada et al. (USPN 5,489,998) is pertinent as teaching color image processing apparatus having transmitter and receiver.

Kozima (USPN 4,274,114) is pertinent as teaching picture information transmitting method for facsimile.

Yamada et al. (USPN 5,801,853) is pertinent as teaching color image processing method and apparatus, which calibrates correction data for image data.

Ichihashi (USPN 5,838,718) is pertinent as teaching method and apparatus for transmitting data signals.

Kondo (USPN 5,930,003) is pertinent as teaching facsimile apparatus.

Cooklev (USPN 6,289,130 B1) is pertinent as teaching method for real-time loss-less data compression of computer data.

Yamagishi (USPN 5,610,723) is pertinent as teaching information signal processing apparatus.

Contact Information

- Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amir Alavi whose telephone number is (703) 306-5913.
- The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 6:30 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

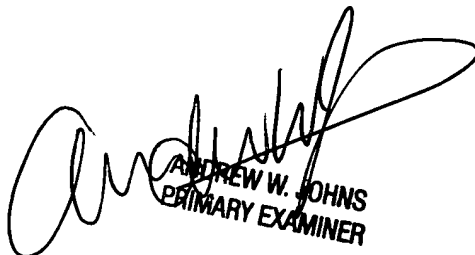
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, ("draft" or "informal" communications should be clearly labeled to expedite delivery to Examiner)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application should be directed to the T.C. Customer Service Office whose telephone number is (703) 306-0377.

AA
Group Art Unit 2621
23 September 2004


ANDREW W. JOHNS
PRIMARY EXAMINER